

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 896

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Pre-filed December 19, 2007, and ordered printed.

Read 2nd time January 15, 2008, and referred to the Committee on Economic Development, Tourism and Local Government.

Reported from the Committee February 21, 2008, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 28, 2008. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

3861S.02P

AN ACT

To repeal sections 233.010 and 233.155, RSMo, and to enact in lieu thereof five new sections relating to incorporated road districts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 233.010 and 233.155, RSMo, are repealed and five
2 new sections enacted in lieu thereof, to be known as sections 233.010, 233.155,
3 233.177, 233.297, and 233.317, to read as follows:

233.010. 1. Territory not exceeding eight miles square, wherein is located
2 any city, town or village [containing less than one hundred thousand
3 inhabitants], may be organized as herein set forth into a special road district;
4 provided, however, the provisions of this section shall not apply to counties under
5 township organization or to class one counties except any first class county
6 without a charter form of government which contains all or part of a city with a
7 population greater than four hundred thousand and any first class county with
8 a population of over one hundred thousand inhabitants which does not adjoin
9 another first class county and which contains a campus of the University of
10 Missouri; however, any county of the second class which had within its
11 boundaries, prior to January 1, 1989, a special road district already organized
12 and existing under this section and which second class county becomes a first
13 class county without a charter form of government under the laws of this state,
14 such change in classification shall in no way affect the existing status, nor the
15 right to exist, nor the legality of the organization nor the right to remain

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 organized of any such prior existing special road district nor shall it in any way
17 affect, alter or change the right of said special road district so existing prior to
18 the change in classification of the second class county to function and to lawfully
19 continue to function under this section and section 233.165, in the same manner
20 as such special road district functioned prior to the change in classification of the
21 second class county. **However, no city, town, or village containing more**
22 **than one hundred thousand inhabitants may be included within the**
23 **territory of a special road district organized under sections 233.010 to**
24 **233.165.**

25 **2. The eight square mile territorial restriction provided for in**
26 **subsection 1 of this section shall not apply to any special road district**
27 **organized under the provisions of sections 233.010 to 233.165 within a**
28 **county of the fourth classification.**

233.155. 1. Whenever the inhabitants of any special road district already
2 formed under sections 233.010 to 233.165 shall desire to extend the boundaries
3 of such district to take in territory not included in the original district, and shall
4 present a petition to the county commission of the county in which such district
5 is located, or if the proposed district is to include portions of more than one
6 county, then to the county commissions of each of such counties, signed by not
7 less than thirty-five voters in the old district and not less [then] **than the lesser**
8 **of thirty-five voters or** fifty percent of the voters in the territory proposed to
9 be taken into said district, asking the county commission or commissions of such
10 county or counties to submit the proposition of the proposed extension of such
11 road district to a vote of the people of such proposed district for their adoption or
12 rejection, the county commission of such county, or if the proposed district shall
13 include parts of more than one county, the county commissions of all such
14 counties, shall each make an order of record that the proposed extension of said
15 road district under the provisions of this section, describing the same by its title
16 and the date of its approval, and describing the boundaries of the district as
17 proposed to be extended, be submitted to the voters of such proposed road district.

18 2. The question shall be submitted in substantially the following form:

19 Shall the special road district be extended?

20 3. If the territory of more than one county be included in said special road
21 district, the county commission of each county in said district shall, as soon as
22 the returns are in from said election, cause a certificate to be made out stating
23 the number of votes cast for and against said proposition in said county, and

24 cause such certificate to be filed with the county clerk of the county commission
25 of every other county which shall form a part of said special road district. If it
26 shall appear from the returns of said county and from said certificate that a
27 majority of the votes cast upon the proposition in the whole proposed district be
28 in favor of the extension of said road district, the county commission or county
29 commissions in said proposed district shall declare the result of the vote thereon
30 in said proposed district by an order of record, and shall make an order of record
31 that the above specified road district laws shall extend to and be the law in such
32 special road district, including the extension thereof, setting out the boundaries
33 of said district as extended, the same to take effect and be in force from and after
34 a day to be named in such order, said day to be not more than twenty days after
35 said election.

36 4. If any territory added to any such original district be in any county
37 outside of the county of such original district, each county outside of such original
38 district may appoint one road commissioner to act with the commissioners
39 appointed in the county of the original district. Such commissioners so appointed
40 outside of the county of the original district shall serve for a term of three years
41 from the date of such appointment[, and until their successors shall be appointed
42 and qualified]. Such commissioners shall be voters of such added territory in
43 such county of their appointment. Except as herein provided, such commissioners
44 shall be governed by sections 233.010 to 233.165. No change shall be made in the
45 number of commissioners appointed by the county of the original district or in the
46 manner of their appointment.

47 5. If a majority of the votes of the proposed district, as extended, be cast
48 in favor of such extension, then the territory of such district, as extended, shall
49 be governed by sections 233.010 to 233.165. But if such extension proposition
50 shall not receive a majority of the votes of said district, as extended, then said
51 special road district shall remain as it was before said petition was filed. Any
52 special road district extended under the provisions of this section may be
53 extended so that after such extension it shall not be more than seventeen miles
54 square. **The seventeen mile square restriction shall not apply to any**
55 **special road district extended within a county of the fourth**
56 **classification.**

233.177. 1. In lieu of the mode of establishment set forth in
2 section 233.175, a road district organized under sections 233.170 to
3 233.315 may be established by election. The election procedures

4 established by the provisions of this section shall only apply to
5 proposed special road districts within a county of the fourth
6 classification.

7 2. Whenever fifty voters, who are voters of any such proposed
8 special road district, shall file a petition with the county commission,
9 asking the commission to submit sections 233.170 to 233.315 to a vote
10 of the people of such proposed road district for their adoption, the
11 county commission shall make an order of record that sections 233.170
12 to 233.315, describing the same by its title and the date of its approval,
13 be submitted to the voters of such proposed road district at an election.

14 3. The question shall be submitted in substantially the following
15 form:

16 "Shall the Road District be established?".

17 4. If the majority of the votes cast for and against the adoption
18 of sections 233.170 to 233.315 be for its adoption, the commission shall
19 declare the result of the vote thereon by an order of record, and shall
20 make an order of record declaring sections 233.170 to 233.315 to be the
21 law in such special road district, the same to take effect and be in force
22 from and after a day to be named in such order within ten days.

233.297. 1. In lieu of the modes of dissolution set forth in section
2 233.290 or in section 233.295, a special road district may be dissolved
3 by election. The dissolution procedure established under this section
4 shall only apply to the dissolution of special road districts in counties
5 of the fourth classification.

6 2. Upon presentation of a petition signed by fifty registered
7 voters of the special road district, the county commission shall make an
8 order that the dissolution of the special road district order that the
9 question of dissolving the special road district shall be submitted to a
10 vote of the people of the special road district. However no such
11 petition may be presented until the expiration of four years from the
12 date of establishment of the special road district or from the date of the
13 last election seeking to expand or dissolve the special road district.

14 3. The question shall be submitted in substantially the following
15 form:

16 "Shall the Special Road District be dissolved?".

17 4. If a majority of the votes cast are in favor of the dissolution,
18 the district shall be disincorporated and the operation of the law shall

19 cease in that district.

20 5. The dissolution of the road district shall not affect the validity
21 of any bonds issued by the road district and all levies related to such
22 bonds shall remain in effect until such bonds are paid. Likewise, the
23 dissolution of the road district shall not affect the validity of any
24 special assessments or taxes levied against particular parcels or the
25 validity of any unpaid taxes previously levied against a particular
26 parcel.

27 6. Upon dissolution of a special road district pursuant to this
28 section, the land therein shall be assigned to a new or existing common
29 road district pursuant to chapter 231, RSMo. If after payment of all
30 debts of the special road district, there are funds left in the possession
31 of the special road district, such funds shall be allocated
32 proportionately to the common road districts to which the land within
33 the former special road district were assigned based on the acreage
34 assigned to each common road district. To the extent that funds are
35 paid subsequent to such original allocation, other than funds connected
36 with bond obligations under subsection 5 of this section, based on
37 obligations assigned to particular parcels or property, such funds shall
38 be allocated to the common road district in which such parcels or
39 property is located.

233.317. 1. In addition to any other mechanism established by
2 law for the expansion or extension of a road district established under
3 sections 233.170 to 233.315, such road district may be extended by
4 election. The provisions of this section shall only apply to the
5 extension of special road districts in counties of the fourth
6 classification.

7 2. Upon presentation of a petition signed by not less than thirty-
8 five registered voters in the old district and by the lesser of thirty-five
9 registered voters or fifty percent of the registered voters in the area to
10 be added to the road district to the county commission, the county
11 commission shall make an order of record that the proposed extension
12 of said road district under the provisions of this section, describing the
13 same by its title and the date of its approval, and describing the
14 boundaries of the district as proposed to be extended, be submitted to
15 the voters of such proposed road district.

16 3. The question shall be submitted in substantially the following

17 **form:**

18 "Shall the Special Road District be extended?".

19 4. If the majority of the votes cast for and against the expansion
20 of the road district be for its expansion, the commission shall declare
21 the result of the vote thereon by an order of record, and shall make an
22 order of record declaring that the road district shall be expanded to
23 include the territory covered by the petition. If the majority of the
24 votes be against the expansion, the territory shall remain as it was
25 prior to the vote. Any order pursuant to this section shall take effect
26 ten days after its entry.

Unofficial

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Bill

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